

## REMARKS

Applicants respectfully request that should additional fees or a credit be associated with the filing of this paper, the additional fees or credit can be charged or credited to the undersigned Attorney's Deposit Account 10-0100.

Claims 10-12 and 14 are cancelled.

Claim 13 is amended.

Claims 15-18 are added.

Claims 10-14 are rejected under 35 USC § 112 2<sup>nd</sup> par., as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

Claims 10-14 are rejected under 35 USC § 112 2<sup>nd</sup> par., as failing to comply with the written description requirement.

Claims 10-14 are rejected under 35 USC § 103(a) as being unpatentable over Slavtcheff et al. (US 5,484,597), in view of Raghupathi et al. (US 6,696,417), further in view of, Yoneyama et al. (US 5,015,469) and Chevalier et al. (US 2002/0197389).

Applicants respectfully traverse the rejections.

Claims 13, 15-18 recite claimed elements that are supported en haec verba in the specification. The "L-proline" is now claimed with specificity as the "α-amino acid" having a "molecular weight of 115.1". The recited concentrations are supported by the specification. Where, as here and in the relied on prior art, the "%" concentration designation is understood to be a weight/weight percentage, without the need for further delineation. The term "hydroalcohol" is

objected to because of its apparent breadth. Breadth is not a basis for rejection under 35 USC § 112, 1<sup>st</sup> par.. For the foregoing amendments and reasons, the rejections under 35 USC § 112, 1<sup>st</sup> and 2<sup>nd</sup> pars. should accordingly be withdrawn.

The newly framed rejection under 35 USC § 103 (a) is grounded on a combination of four diverse references. The linchpin of the rejection is Yoneyama et al. to allegedly teach the L-proline component for skin treatment. Yoneyama et al. discloses a cosmetic composition, such as a sunscreen. Yoneyama et al., at col. 7, teaches that amino acids, e.g. L-proline, should only be present “in the range which does not impair the effect of the present invention” (col. 7, lines 55-56). That is, Yoneyama et al. directs one to limit the L-proline to avoid impairment of the cosmetic effect. Yoneyama et al. expressly teaches limited L-proline content, because L-proline may impair the desired cosmetic effect, and in doing so teaches away from a concentrated L-proline of “0.5 – 2 mg/ml” (claim 15). The Yoneyama et al. invention is a cosmetic cream, particularly including a sun screen (Examples 2-4). That is, Yoneyama et al. teaches away from L-proline as a pharmaceutical. And significantly, Yoneyama et al. expressly teaches avoiding melanin stimulation in its sun screen embodiment. Applicants, in direct contrast, claim the “stimulation of melanin” (claim 15). Yoneyama et al. is inapposite.

The relied on combination of Yoneyama et al. with Raghupathi et al. and Chevalier et al. falls on its own weight, with the inapposite Yoneyama et al.

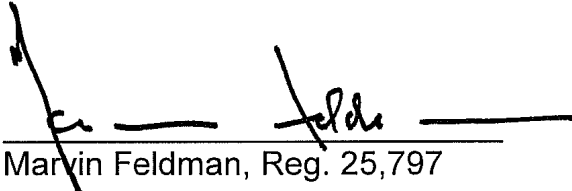
Slavtcheff et al. like Yoneyama et al., is directed to a "cosmetic", and away from pharmaceutical treatment of a disease, such as vitiligo. Raghupathi et al. is also directed to a "cosmetic", and particularly to "darkening" "skin and/or hair". One skilled in the art would not look to a skin cosmetic to treat disease. Further, even assuming arguendo that to cull aspects of cosmetic compositions from the four references is not impermissible hindsight, there is no disclosure or direction to an " $\alpha$ -amino acid" "L-proline" "115.1 molecular weight" pharmaceutical treatment of "vitiligo".

For each and all of the foregoing reasons and amendment, the claims are submitted to be in form for allowance and patentable distinguish over the art whether taken alone or in the relied on combination.

An early allowance is respectfully requested.

Respectfully submitted,

LACKENBACH SIEGEL, LLP

  
Marvin Feldman, Reg. 25,797

MF:k  
Date: October 4, 2011  
One Chase Road  
Scarsdale, New York 10583  
(914) 723-4300